

School Health Records: Privacy and access

Under both Minnesota and federal law, school health records are considered educational records. This means that your and your child's rights to privacy and access are governed by the same laws that apply to educational records.

What are school health records?

Schools are required to keep certain health-related records about all students, including immunization information, growth, vision testing and hearing screening findings, attendance data, preschool health screening, and TB screening information.

In addition, many schools provide medical services to individual students. These medical services generate health records. The medical services may or may not be part of an Individualized Education Program (IEP), and may be provided by the school nurse or other health care provider.

It is important to note that any health records that the school receives from outside providers will most likely be considered school health records. This means they may be reviewed by teachers and other school officials who have a legitimate educational interest in the information. It is also possible that teachers and officials from schools where your child seeks, to or intends to enroll, may also have access to the information.

School health records are educational records

Since school health records are considered educational records, they are subject to the Minnesota Government Data Practices Act and the federal Family Educational Rights and Privacy Act (FERPA).¹ This means that schools are subject to different health record privacy and access requirements than doctors, clinics, or hospitals are. (See PACER handouts on "[Access to Your Child's Health Records](#)" and "[Release of Your Child's Health Records](#)" for information on these requirements.) Under FERPA, the records are "private" which means that the information is accessible to you and certain school officials but not to the public. It also means that you have the right to know what kind of information the school maintains about your child and you have the right to contest the accuracy of the information. If the school is unwilling to correct the contested record, you have the right to place written comments in the record.

Right to access

You and your child have the right to see the health records kept by the school. If you request copies of the records, the school must provide them to you. The school may require you to pay the actual costs of making, certifying, and compiling the copies unless that fee prevents you from having access to the records. The school must give you access to the records immediately, if possible, or within ten days of the date of the request if immediate compliance is not possible. If the records are maintained in computer storage, they must be provided to you in electronic form, however, there is no requirement that the information be provided in a different program than that which is maintained by the school. There is no limit to the number of times a parent of a child with a disability can request to inspect their child's records.

¹ Under the Minnesota Government Data Practices Act, the parent and student (who is a minor and not attending a postsecondary program) share the rights of access to and privacy of educational records. FERPA gives rights only to the parent.